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Chairman: Mr. Hachani ..... (Tunisia)

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The meeting was called to order at 5.30 p.m.

Agenda item 110: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/53/L.58/Rev.1)

Draft resolution A/C.3/53/L.58/Rev.1: Right to development

1. **Mr. Mofokeng** (South Africa), speaking on behalf of the member States of the non-aligned movement and China, said that he wished to revise orally the draft resolution following the informal consultations that had been held on the text. In the ninth preambular paragraph of the English text, the word "the" should be inserted after the words "United Nations system or". In paragraph 5 (c), the words "at the same time" should be at the beginning of the phrase. Paragraph 9 had been reworded to read: "*Invites* the High Commissioner for Human Rights, within her mandate, to give due regard to the impact of the problem of the external debt burden of developing countries, in particular the least developed countries, on the full enjoyment of the rights to development in those countries". In paragraph 19 of the English text, after the words "at the top of", the words "human rights" should be replaced by the word "global". In paragraph 20 (b) of the English text, the word "providing" should be replaced by the word "provide". In paragraph 20 (f), the words "Continue to" should be added at the beginning of the phrase. Subparagraphs 20 (h) and (j) became new paragraph 20 *bis.* (a) and (b) preceded by an introductory phrase that read: "Request the Commission on Human Rights to". The new paragraph 20 *bis.*, as revised, read: "Request the Commission on Human Rights to: (a) Invite the Independent Expert, appointed by it, to include in his study on the current state of progress in the implementation of the right to development proposals for measures that could be taken for the more effective realization of the right to development at the national and international levels, and to submit his studies to the General Assembly; (b) Invite the follow-up mechanism, *inter alia*, to consider the question of elaborating a convention on the right to development". In paragraph 20 (i), which was now paragraph 20 (h), the word "including" in the first line should be replaced by the words "such as". In the same paragraph of the English text, the words "those contributing to" should be replaced by the phrase "those participating in".

2. **Mr. Theuermann** (Austria) said that he had understood, during the consultations held with the sponsors of the draft resolution, that paragraph 4 had been amended and that after the words "fundamental human rights", it had been agreed to add the phrase "and reaffirms that the human person is the central subject of development". It had also been agreed that the introductory phrase of the new paragraph 20 *bis.* would read: "Request the Commission on Human Rights to consider". His delegation also wondered whether the end of that paragraph should read "submit his studies" or "submit his study".

3. **Mr. Mofokeng** (South Africa) said that the text of the changes to paragraph 4 that Austria had read out on behalf of the European Union were correct, except for the introductory phrase of the new paragraph 20 *bis.*, whose wording would have to be considered by the sponsors if the European Union insisted on its formulation.

4. **Mr. Winnick** (United States of America), commended the efforts by the members of the Committee to reach a consensus on the draft resolution and said that the draft text unfortunately still contained some points that had not been dealt with in a satisfactory manner. His delegation therefore could not join the consensus and requested a recorded vote on the draft resolution. It reserved the right to speak in explanation of its vote at a plenary meeting of the General Assembly.

5. **Mr. Mofokeng** (South Africa) said that he would like to know whether the delegation of the United States wished to have a recorded vote on the entire text of the draft resolution or on certain paragraphs.

6. **Mr. Winnick** (United States of America) said that his delegation was requesting a recorded vote on the entire draft resolution.

7. **Mr. Reyes Rodriguez** (Cuba), making a general statement, said that his delegation regretted the fact that, after long negotiations and countless amendments, the Committee was obliged to put the draft resolution to a vote. It regretted that fact all the more since it had been particularly anxious for the Committee to adopt by consensus paragraphs 22 and 23 of the version of the draft that had not been orally revised, which sought to incorporate the Declaration on the Right to Development into the international bill of human rights. His delegation also deeply regretted the fact that the vote was on the entire draft text and not on certain paragraphs, as had been proposed, which demonstrated yet again that the developing countries were the only ones to show understanding and flexibility. Since it believed that the matter was important, the Cuban delegation would continue to work to ensure that the Declaration on the Right to Development was included in the international bill of human rights.

8. **Mr. Effendi** (Indonesia), speaking on behalf of the Group of 77 and China said that the non-aligned movement had made considerable efforts to ensure that the draft resolution could be adopted by consensus. He believed that it was particularly regrettable that those efforts had not been successful and requested the member countries of the Group of 77 and China to support the draft resolution.

9. **Mr. Kamitani** (Japan), speaking in explanation of vote before the vote, said that his country attached major importance to the right to development, which it considered a universal and inalienable right, and pointed out that, at its fifty-fourth session in April 1998, the Commission on Human Rights had adopted by consensus the resolution on the right to development (1998/72). At the current session of the General Assembly, Japan had participated in good faith in the informal negotiations on the draft resolution, which it had sincerely hoped to be able to support. Unfortunately, the draft text was not entirely satisfactory for his delegation because it did not take sufficient account of the responsibility of Governments in promoting and protecting human rights and did not reaffirm with sufficient clarity what was stated in the Vienna Programme of Action, namely that: "While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights". His delegation, therefore, would abstain in the vote.

10. *A recorded vote was taken on draft resolution A/C.3/53/L.58/Rev.1, as orally revised.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

11. *Draft resolution A/C.3/53/L.58/Rev.1, as orally revised, was adopted by 109 votes to 1, with 40 abstentions.*

12. **Mr. Theuermann** (Austria), speaking on behalf of the European Union, said that the European Union had found the draft resolution acceptable overall and had been prepared to join in the consensus; however, since a recorded vote had been requested, it had chosen to abstain. The text of the resolution had shortcomings, was not sufficiently balanced and contained many new elements that deserved full deliberation. Indeed, that was why the Commission on Human Rights had decided, at its most recent session, to establish a follow-up mechanism with regard to the right to development that would include a study by an independent expert and the establishment of an open-ended working group on the right to development, which was to meet for the first time in 1999. The European Union hoped that the Commission on Human Rights at its fifty-fifth session, and its working group on the right to development in particular, would remedy the shortcomings and gaps in the text so that the Committee would be able to adopt the next draft resolution on the right to development by consensus.

13. **Ms. Eckey** (Norway) said that her country had been one of the first members of the Group of Western European and Other States to sponsor the resolution on the right to development (1998/72) which the Commission on Human Rights had adopted by consensus at its most recent session, in April 1998. It regretted that it had not been possible to maintain that consensus at the current session of the General Assembly. While economic, social and cultural rights and civil and political rights were mutually reinforcing and must

be accorded equal importance, and while donor countries must therefore help developing countries to guarantee those rights, developing countries must also show the political will to enforce them. Otherwise, such assistance would be in vain. Her delegation associated itself with the statement made by the representative of Austria on behalf of the European Union and hoped that a consensus on the right to development would be reached at the next session of the General Assembly.

14. **Mr. Ball** (New Zealand) said that his delegation had hoped, for the first time, to be able to sponsor the draft resolution on the right to development. However, it had been unable to do so because of the wording of certain paragraphs, particularly those concerning debt and the mandate of the follow-up mechanism with regard to the right to development established by the Commission on Human Rights, and because the text in general was not, in its view, sufficiently balanced. It had abstained in the voting for the same reasons. It hoped that, at the fifty-fourth session, the Committee would have more time to conduct its negotiations and would be able to reach a consensus. His delegation was prepared to make every effort to that end.

15. **Mr. Rogov** (Russian Federation) said that his delegation deeply regretted that the negotiations on the draft resolution had been unsuccessful because of lack of time, and that differences of opinion had persisted. The right to development was universal and should be a unifying rather than a divisive element, and his delegation hoped that, in future, Committee members would be guided by that philosophy, which had always been his country's philosophy.

16. **Ms. Kerr** (Australia) said that her delegation had sponsored Commission on Human Rights resolution 1998/72 and regretted that the Third Committee had been unable to maintain the consensus on the right to development. It shared the reservations voiced by the representative of New Zealand concerning resolution A/C.3/53/L.58/Rev.1 and sincerely hoped that, at the next sessions of the Commission on Human Rights and the General Assembly, a consensus would be reached on the text on the right to development.

17. **Mr. Ma Young-sam** (Republic of Korea) said that his delegation would have liked the resolution, which reflected most of his country's concerns, to have been adopted by consensus. However, since it had had difficulties with some paragraphs, particularly paragraph 20 (b) of the draft resolution before its oral revision, his delegation had abstained in the voting.

18. **Ms. McVey** (Canada) said that her country deeply regretted that, for lack of time, the Committee had been unable to adopt the resolution by consensus. It hoped that that would not happen at the next session of the General Assembly.

19. **The Chairman** suggested that the Committee take note of the following documents: under agenda item 110 (a), the report of the Human Rights Committee (A/53/40, vol. I and II), the report of the Committee against Torture (A/53/44), the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/53/253), the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/53/283), the report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide (A/53/565) and the report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/53/339); under agenda item 110 (b), the report of the Secretary-General on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations: safety and security of humanitarian personnel and protection of United Nations personnel (A/53/501), the note by the Secretary-General on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/53/279) and the note by the Secretary-General on extrajudicial, summary or arbitrary executions (A/53/337); under agenda item 110 (c), the report of the Secretary-General on the technical cooperation programme in Haiti (A/53/530), the note by the Secretary-General on the situation of human rights in southern Lebanon and western Bekaa (A/53/537), the note by the Secretary-General on the situation of human rights in the Sudan (A/53/504), the note by the Secretary-General on the situation of human rights in Burundi (A/53/490) and the note by the Secretary-General on the situation of human rights in the Democratic Republic of the Congo (A/53/365); and, under agenda item 110 (e), the report of the United Nations High Commissioner for Human Rights (A/53/36).

20. *It was so decided.*

21. **The Chairman** said that the Committee had thus concluded its consideration of agenda item 110 (a) to (e).

Agenda item 12: Report of the Economic and Social Council (*continued*)

Organization of work of the Third Committee and draft biennial programme of work of the Committee for 1999–2000 (A/C.3/53/L.64)

22. **Mr. Bunch** (Chief, Documentation Programming and Monitoring Unit, Department of General Assembly Affairs and Conference Services) said that the following revisions should be made to document A/C.3/53/L.64: the title of item 4 of the programme of work (International drug control) should be amended to read "World drug problem", based on the title given to the twentieth special session of the General Assembly, held in June 1998; on page 6 (under agenda item 5: Advancement of women), in accordance with draft resolution A/C.3/53/L.12/Rev.1, the Convention on the Elimination of All Forms of Discrimination against Women should be moved from the biennial to the annual category; on page 9, in the list of issues to be examined annually under agenda item 12 (b) (Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms), "Protection of United Nations personnel" should be deleted since the General Assembly had not adopted a resolution on that issue at its current session; on page 16, again under agenda item 12 (b), the document symbol for the draft resolution on the right to development should be A/C.3/53/L.58/Rev.1, not A/C.3/53/L.58; and on page 17, under agenda item 12 (c) (Human rights situations and reports of special rapporteurs and representatives), the words "Questions for consideration for which no advance documentation has been requested" should be underlined.

23. *The organization of work of the Third Committee and draft biennial programme of work of the Committee for 1999–2000 (A/C.3/53/L.64), as orally revised, was adopted without a vote.*

Report of the Economic and Social Council (A/53/3)

Draft decision

24. **The Chairman** recommended that the Committee adopt a draft decision taking note of the report of the Economic and Social Council (A/53/3), in particular, chapters I, III, V, VIII (A), (C) and (I) and X thereof which had been referred to the Third Committee.

25. *It was so decided.*

26. **The Chairman** said that the Committee had thus completed its consideration of agenda item 12.

Completion of the Committee's work

27. **The Chairman** thanked delegations for their cooperation and constructive spirit and expressed appreciation to the officers of the Committee and to the members of the Secretariat.

28. After an exchange of courtesies, in which **Mr. Effendi** (Indonesia) spoke on behalf of the Group of 77 and China, **Ms. Ahmed** (Sudan) spoke on behalf of the Group of African States, **Mr. Mofokeng** (South Africa) spoke on behalf of the Movement of Non-Aligned Countries and the Southern African Development Community (SADC), **Ms. Kerr** (Australia) spoke on behalf of the Group of Western European and Other States, **Ms. Sandru** (Romania) spoke on behalf of the Group of Eastern European States, **Ms. Martinez** (Ecuador) spoke on behalf of the Group of Latin American and Caribbean States, **Mr. Al-Taee** (Oman) spoke on behalf of the Group of Asian States, **Mr. Theuermann** (Austria) spoke on behalf of the European Union, **Mr. Al-Ethary** (Yemen) spoke on behalf of the Group of Arab States and **Ms. Cornette** (Guyana) spoke on behalf of the Caribbean Community (CARICOM), all of them expressing regret that the Committee had been unable to reach a consensus on draft resolution A/C.3/53/L.58/Rev.1, **the Chairman** declared that the Third Committee had completed its work for the fifty-third session.

The meeting rose at 7.05 p.m.